

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
RICHARD W. NAGEL
CLERK OF COURT

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U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS O. CROWELL
aka "T-Mack"

Defendant.

CASE NO. *23-00008*

JUDGE *Watson*

INDICTMENT

18 U.S.C. § 922(g)(1)
18 U.S.C. § 924(a)(2)
21 U.S.C. § 841(a)(1)
21 U.S.C. § 841(b)(1)(B)(vi)
21 U.S.C. § 841(b)(1)(C)
18 U.S.C. § 1343

FORFEITURE ALLEGATIONS

THE GRAND JURY CHARGES:

COUNT 1

(Possession with Intent to Distribute Fentanyl and Cocaine)

1. On or about June 2, 2021, in the Southern District of Ohio, the defendant, **THOMAS CROWELL**, did knowingly, intentionally, and unlawfully possess with intent to distribute 40 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, commonly referred to as fentanyl, Schedule II controlled substance, and a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B)(vi), and 841(b)(1)(C).

COUNT 2

(Felon in Possession of a Firearm)

2. On or about June 2, 2021, in the Southern District of Ohio, the defendant,

THOMAS CROWELL, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in or affecting interstate commerce, one or more firearms, specifically, a Century Arms 7.62 caliber rifle, bearing serial number SV7P000403, and a Glock, Model 42, .380 caliber pistol, bearing serial number ACTT772, and ammunition.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

COUNT 3
(Felon in Possession of a Firearm)

3. On or about July 16, 2019, in the Southern District of Ohio, the defendant, **THOMAS CROWELL**, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in or affecting interstate commerce, a firearm, specifically, a Taurus Model PT111 Millennium G2, 9mm pistol, bearing serial number TJX2119, and ammunition.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

COUNT 4
(Wire Fraud – Pandemic Assistance)

Background

4. The Coronavirus Aid, Relief and Economic Security (“CARES”) Act was a federal law enacted on or about March 27, 2020, designed to provide emergency financial assistance to the millions of Americans suffering the economic effects caused by the COVID-19 pandemic. The CARES Act created the Paycheck Protection Program (PPP), which is a program overseen by the United States Small Business Administration.

5. The PPP authorized qualifying small businesses to receive forgivable loans to help pay payroll costs, rent, utilities, interest on mortgages, and other permissible expenses. The size of the PPP loan a particular business could receive was based in part on its average monthly payroll costs. PPP loans were entirely forgivable if the funds were used for specified expenses.

6. In order to obtain a PPP loan, a business was required to submit a loan application to a financial institution. The loan application was required to be signed by an authorized representative of the business and was required to contain certain information, such as average monthly payroll expenses and number of employees. Applicants were also required to provide supporting documentation, such as federal tax returns and other financial documentation. Any PPP loans that were funded by financial institutions were fully guaranteed by the United States Small Business Administration.

7. The PPP loan application required a loan applicant to acknowledge the program rules and make certain affirmative certifications in order to be eligible to obtain a PPP loan.

The Scheme to Defraud

8. In or around April 2021, the exact dates being unknown to the United States, the defendant, **THOMAS CROWELL**, devised and intend to devise a scheme to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and material omissions.

9. It was part of the scheme that on or about April 16, 2021, **CROWELL** applied electronically to Capital Plus Financial LLC for a PPP loan on behalf of a purported trucking business called "Thomas Crowell." **CROWELL** falsely represented that he was a "truck driver (long distance, OTR, hauling, etc.)." **CROWELL** falsely represented the number of employees and the gross receipts of his purported trucking business. **CROWELL** falsely represented that

the funds sought through the PPP loan application would be used for qualified business expenses, such as payroll, health care benefits, and utilities.

10. It was further part of the scheme that **CROWELL** submitted a false IRS Form Schedule C in conjunction with his PPP loan application.

11. **CROWELL's** purported trucking business was approved for a PPP loan in the amount of \$19,790, which was disbursed on or about April 16, 2021.

The Wire

12. On or about April 16, 2021, in the Southern District of Ohio and elsewhere, the defendant, **THOMAS CROWELL**, for the purpose of executing the above-described scheme to defraud, and in attempting to do so, knowingly transmitted and caused to be transmitted by means of a wire communication in interstate and foreign commerce certain writings, signs, signals, pictures, and sounds, to wit, an electronic PPP loan application to Capital Plus Financial LLC on behalf of a purported trucking business named "Thomas Crowell."

In violation of 18 U.S.C. § 1343.

FORFEITURE ALLEGATION A

13. The allegations of this Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of 21 U.S.C. § 853(a)(1) and (2).

14. Upon conviction of the offense alleged in Count 1 of this Indictment, in violation of 21 U.S.C. § 841, the defendant, **THOMAS CROWELL**, shall forfeit to the United States, in accordance with 21 U.S.C. § 853(a)(1) and (2), all of his right, title, and interest in any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such

violation, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission such violation, including, but not limited to, the following property seized on or about June 2, 2021, as a result of a search warrant at the defendant, **THOMAS CROWELL's**, residence located at 67774 Eddlestone Court, Canal Winchester, Ohio:

- (a) Approximately \$3,986.00 in United States currency;
- (b) One Century Arms 7.62 caliber rifle, bearing Serial Number SV7P000403;
- (c) One Glock, Model 42, .380 caliber pistol, bearing Serial Number ACTT772;
and
- (d) All associated ammunition and magazines.

Forfeiture notice in accordance with 21 U.S.C. §853(a)(1) and (a)(2) and Rule 32.2 of the Federal Rules of Criminal Procedure.

FORFEITURE ALLEGATION B

15. The allegations of this Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) and/or 18 U.S.C. § 982(a)(2).

16. Upon conviction of the offense alleged in Count 4 of this Indictment, in violation of 18 U.S.C. § 1343, the defendant, **THOMAS CROWELL**, shall forfeit to the United States, in accordance with 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) and/or 18 U.S.C. § 982(a)(2), all of his right, title, and interest in any property constituting, or derived from, proceeds traceable to, or obtained, directly or indirectly, as a result of such violation, including, but not limited to, a sum of money equal to \$19,790.00 in United States currency.

17. **Substitute Assets:** If, as a result of any act or omission of the defendant,

THOMAS CROWELL, any of the forfeitable property described above:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

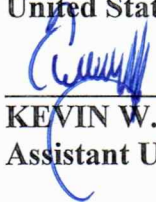
it is the intent of the United States of America, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c), to seek forfeiture of any other property of the defendant, **THOMAS CROWELL**, up to the value of the forfeitable property.

Forfeiture notice in accordance with 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), 18 U.S.C. § 982(a)(2), and Rule 32.2 of the Federal Rules of Criminal Procedure.

A TRUE BILL

s/Foreperson
FOREPERSON

KENNETH L. PARKER
United States Attorney


KEVIN W. KELLEY (0042406)
Assistant U.S. Attorney